

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 15, 2010
Panel - B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:16 A.M. on September 15, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS

PRESENT: Patricia M. Selig, R.N., F.N.P., PhD, President
Evelyn Lindsay, L.P.N.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
Louise Hartz, Citizen Member
Jeanne Holmes, Citizen Member
Patricia C. Lane, R.N., B.S.N.

STAFF PRESENT: Jay P. Douglas, R.N.,M.S.M,C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Michelle Ellers, R.N. 0001-209732
Ms. Ellers appeared.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:19 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:23 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing place Michelle Ellers on probation with terms for two years of actual nursing practice.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:26 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:51 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Maile L'Herrou R.N. 0001-166793

Ms. L'Herrou did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Maile L'Herrou contingent upon her continued compliance with the terms and conditions of the contract with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

Karen Bandy, R.N. 0001-135941

Ms. Bandy did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Karen Bandy and to indefinitely suspend the professional nursing license of Ms. Bandy for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Stacey Clayton, L.P.N. 0002-055061

Ms. Clayton did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right of Stacey Clayton to renew her license to practice practical nursing in Virginia. The motion was seconded and carried unanimously.

Shanna Ferebee, C.N.A. 1401-108252

Ms. Ferebee did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Shanna Ferebee with a finding of neglect to be entered in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Alice A. Gwynn, R.M.A. 0031-003517

Ms. Gwynn did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the medication aide registration of Alice Gwynn for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Pamela Murphy, R.N. 0001-208574

Ms. Murphy did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Pamela Murphy. The motion was seconded and carried unanimously.

Keith O. Adams, R.N. 0001-197873

Mr. Adams did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Keith Adams. The motion was seconded and carried unanimously.

Martha P. Robertson, R.N. 0001-102634

Ms. Robertson did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Martha Robertson and further order that the professional nursing license of Ms. Robertson be indefinitely suspended for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Tamara Dalton, L.P.N. 0002-053366

Ms. Dalton did not appear.

Ms. Lane moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter of Tamara Dalton to a formal hearing. The motion was seconded and carried unanimously.

Sherlaker Foster, C.N.A. 1401-105158

Ms. Foster did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Sherlaker Foster and enter a finding of neglect in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Shenika Walker, C.N.A. 1401-125820

Ms. Walker did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Shenika Walker. The motion was seconded and carried unanimously.

Jessica A. Ratliff, L.P.N. 0002-053002

Ms. Ratliff did not appear.

Dr. Selig moved that the Board of Nursing modify the recommended decision of the agency subordinate to issue an order of reprimand to Jessica Ratliff and further order to indefinitely suspend the practical nursing license of Ms. Ratliff for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Omar Jawara, L.P.N. 0002-075719

Mr. Jawara did not appear.

Ms. Lindsay moved that the Board of Nursing modify the recommended decision of the agency subordinate indefinitely suspend the right of Omar Jawara to renew his practical nursing license until such time as she can appear before the Board and provide sufficient evidence that he is safe and competent to practice. The motion was seconded and carried unanimously.

FORMAL HEARINGS:

Berekhti Berakhi, R.M.A. 0031-000942

Ms. Berakhi appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; Greg McCain, Pharmacist, Williamson Pharmacy; and Jacqueline Holloman, daughter of resident were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Berakhi. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:18 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing issue an order of reprimand to Berekhti Berakhi and further order that the medication aide registration of Ms. Berakhi be indefinitely suspended for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried. Dr. Selig, Dr. Hahn, Ms. Holmes and Ms. Hartz were in favor of the motion. Ms. Lane and Ms. Lindsay opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Dr. Hahn left the meeting.

RECESS:

The Board recessed at 12:23 P.M.

RECONVENTION:

The Board reconvened at 1:08 P.M.

FORMAL HEARINGS:

Webishaw Ahadu, R.M.A. 0031-001400

Ms. Ahadu appeared, accompanied by Daniel Asfaw, who acted as a translator.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Naima Fellers, Senior Investigator, Department of Health Professions; Greg McCain, Pharmacist, Williamson Pharmacy; Jacqueline Holloman, daughter of resident were present and testified.

RECESS:

The Board recessed at 2:55 P.M.

RECONVENTION:

The Board reconvened at 3:05 P.M. and continued with witness testimonies.

Laurie Henley, Executive Director, Emeritus of Arlington; Sara Kinfe; and Berekhti Berakhi were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:50 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Ahadu. Additionally, Ms.

Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:16 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing issue an order of reprimand to Webishaw Ahadu and further order that the medication aide registration of Ms. Ahadu be indefinitely suspended for a period of not less than two years.

The motion was seconded and carried. Dr. Selig, Ms. Holmes, Ms. Hartz and Ms. Lane were in favor of the motion. Ms. Lindsay opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Sara G. Kinf, R.M.A. 0031-003304

Ms. Kinf appeared, accompanied by her husband, Daniel Asfaw

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 4:42 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Sara Kinf. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:04 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Kinfe requested a continuance in order to obtain legal counsel. Ms. Hartz moved that the Board of Nursing deny the request for a continuance. The motion was seconded and carried unanimously.

Naima Fellers, Senior Investigator, Department of Health Professions; Greg McCain, Pharmacist, Williamson Pharmacy; and Jacqueline Holloman, daughter of resident were present and testified.

RECESS: The Board recessed at 6:39 P.M.

RECONVENTION: The Board reconvened at 6:50 P.M.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:53 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kinfe. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 8:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing issue an order of reprimand to Sara Kinfe and further order that the medication aide registration of Ms. Kinfe be indefinitely suspended for a period of not less than two years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 8:20 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director